PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 703428PCT	FOR FURTHER A	CTION	See Form PCT/IPEA/416			
International application No. PCT/CA2004/001919	International filing da 04 November 2004		Priority date (day/month/year) 04 November 2003 (04-11-2003)			
International Patent Classification (IPC) of IPC: B60J 7/047 (2006.01)	r national classification	and IPC	•			
		:				
Applicant INTIER AUTOMOTIVE CLOSURES INC. ET AL						
This report is the international prelimit under Article 35 and transmitted to the	1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.					
2. This REPORT consists of a total of	5 sheets, include	ing this cover sheet.				
3. This report is also accompanied by AN	NEXES, comprising:					
a. [X] (sent to the applicant and	l to the International B	ureau) a total of 7	sheets, as follows:			
and/or sheets con	[X] sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).					
[] sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box.						
b. [] (sent to the International	Bureau only) a total of	(indicate type and number	of electronic carrier(s))			
		•	oles related thereto, in electronic			
form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).						
4. This report contains indications relating	4. This report contains indications relating to the following items:					
[X] Box No. I Basis of the repo	rt	•				
[] Box No. II Priority						
		rd to novelty, inventive ste	ep and industrial applicability			
[X] Box No. IV Lack of unity of						
			ventive step or industrial applicability;			
[lanations supporting su	ch statement				
[] Box No. VI Certain documen						
*	n the international appli					
[X] Box No. VIII Certain observations on the international application						
Date of submission of the demand 03 June 2005 (03-06-2	005)	Date of completion of this 25 January 2006 (25-01-2				
Name and mailing address of the IPEA/CA	1	Authorized officer				
Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box	PCT					
50 Victoria Street Gatineau, Quebec K1A 0C9		Robert (Gruber (819) 953-1889			
Facsimile No.: 001(819)953-2476	Ĭ	ŧ				

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International application No. PCT/CA2004/001919

Во	x No.	<u>i</u> B	Basis of the	report	· · · · · · · · · · · · · · · · · · ·	
1.	Wit	n regs	ard to the la	anguage, this report is b	based on:	
[X] the international application in the language in which it was filed				al application in the lan		
	[]	a tre	anslation of	f the international applic	cation into	, which is the language of a
				nished for the purposes		
		[]	internatic	onal search (Rules 12.3	(a) and 23.1(b))	
		[]	publication	on of the international	application (Rule 12.4(a))	
		[]	internatic	onal preliminary examin	ination (Rules 55.2(a) and/or 55.3(a))	
2.	the r anne	receiv exed t the i	ving Office i to this repor internationa	in response to an invita ert): al application as origina	ional application, this report is based on (replation under Article 14 are referred to in this really filed/furnished	acement sheets which have been furnished to eport as "originally filed" and are not
	[X]		description:			
			pages	1-7 and 9-21		as originally filed/furnished
		[X]	pages*	<u>8</u>	received by this Authority on	6 September 2005
		[]	pages*		received by this Authority on	
	[X]	the	claims:			
		[]	pages			as originally filed/furnished
		[]	pages*			any statement) under Article 19
		[X]		<u>22-26</u>	received by this Authority on	6 September 2005
	****	[]	pages*		received by this Authority on	
	[X]		drawings:	: ::		
		[X]		<u>1/31-31/31</u>		as originally filed/furnished
		[]	pages*		received by this Authority on	
	. ,	[]	pages*	1.4.14.	received by this Authority on	
	l j	a sec	quence listin	ng and/or any related ta	able(s) - see Supplemental Box Relating to Se	equence Listing.
7	r j	тьа	dmont	· have resulted in the		•
3.	l ,	Inc		ts have resulted in the c	cancellation or:	
		l i		iption, pages	٠.	
		l i	the claims	is, Nos. ings, sheets/figs	· .	
		l j			•	
		lı	-	ence listing (specify): (s) related to sequence l	The transition	
		Lı	апу шою	(s) related to sequence i	listing (specify):	·
4.			the descripthe claims	been considered to go liption, pages s, Nos.	(some of) the amendments annexed to this reposition beyond the disclosure as filed, as indicated in	
		[]		ngs, sheets/figs	·	
		[]	_	nce listing (specify):		
		[]	any table((s) related to sequence l	listing (specify):	
					· .	
*	If item	4 ap	plies, some	or all of those sheets n	may be marked "superseded."	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/CA2004/001919

Box No. I	IV Lack of unity of invention
1. []	In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit:
	[] restricted the claims
	[] paid additional fees
	[] paid additional fees under protest and, where applicable, the protest fee
	[] paid additional fees under protest but the applicable protest fee was not paid
	[] neither restricted the claims nor paid additional fees.
2. [X]	This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This	Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
[]	complied with
[X]	not complied with for the following reasons:
1. Claims	c 1_10
	o a retractable roof assembly comprising a fixed rail and a movable rail assembly.
2. Claims Pertain to stowed pe	o a retractable roof assembly comprising a plurality of roof panels moveable to either a closed, intermediate or
	•
	•
4. Conseq	quently, this report has been established in respect of the following parts of the international application:
[X]	all parts
[]	the parts relating to claims Nos.

Box No. V	Reasoned statement	under Article 35(2)	with regard to novelty,	inventive step or industrial
	applicability: citation	ons and explanations	supporting such staten	nent

1.	Statement			
	Novelty (N)	Claims	<u>1-27</u>	YES
	•	Claims	NONE	NO
	Inventive step (IS)	Claims	<u>1-27</u>	YES
		Claims	NONE	NO
	Industrial applicability (IA)	Claims	1-27	YES
		Claims	NONE	NO
i			•	

2. Citations and explanations (Rule 70.7)

Reference is made to the following document:

D1: US 6,604,782

D1 discloses a retractable roof assembly for a motor vehicle comprising a fixed guideway disposed in a roof opening and a movable guideway located in a rear gate of the vehicle that pivots in relation to the fixed guideway. Panels are slidably engaged with the fixed guideway to cover the roof opening in a closed position. To uncover the roof opening, the movable guideway is pivoted to align with the fixed guideway and the roof panels are slid rearwardly to a stowage position in the rear gate of the vehicle. The rear gate can further pivot to a fully open position or fully closed position under manual power or using a power actuator.

The subject matter of claims 1 and 15 differ from D1 in that the movable guide rail is attached to a portion of the roof frame vs. attached to the rear gate of the vehicle. D1 also does not disclose a linkage assembly operably connected to said movable rail for pivoting and articulating said movable rail relative to said fixed rail when said plurality of roof panels is in said stacked configuration, thereby differing from what is shown in claims 1 and 20. Therefore claims 1,15 and 20 are considered novel under PCT Article 33(2) and involve an inventive step under PCT Article 33(3). A similar analysis for claim 24 reveals the subject matter as novel and inventive when compared with the prior art.

Claims 2-14, 16-19, 21-23 and 25-27 ultimately depend on claims 1, 15, 20 and 24, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Claims 1-27 meet the criteria for Industrial Applicability set out in PCT Article 33(4) because the claimed invention can be made or deemed useful in industry.

Form PCT/IPEA/409 (Box No. V) (April 2005)

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Box No. VIII	Certain observations on the international application		
The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:			
The description does not comply with PCT Article 5. A statement in an application, such as on page 8, line 26-27, which incorporates by reference an unpublished document, should not be regarded as being part of the description. A person skilled in the art should be able to understand the patent specification without reference to any other document.			
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•	·		